

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LONG HONGMEI,

Plaintiff,

v.

NICHOLAS A. MASTROIANNI II and
U.S. IMMIGRATION FUND, LLC,

Defendants.

Civil Action No. 1:20-11227-ADB

DEFENDANTS' MOTION FOR ENTRY OF AN ORDER (A) DISMISSING THIS ACTION FOR LACK OF PERSONAL JURISDICTION, (B) IN THE ALTERNATIVE, COMPELLING ARBITRATION AND DISMISSING OR STAYING THIS ACTION BASED UPON AN AGREEMENT TO ARBITRATE, OR (C) IN THE ALTERNATIVE, DISMISSING THIS ACTION FOR IMPROPER VENUE

Defendants Nicholas A. Mastroianni II and U.S. Immigration Fund, LLC (collectively, "*Defendants*"), hereby move this Court for entry of:

- (1) an Order, pursuant to Fed. R. Civ. P. 12(b)(2), dismissing this case on the ground that this Court lacks personal jurisdiction over Defendants;
- (2) in the alternative, an Order, pursuant to Fed. R. Civ. P. 12(b)(6) and 9 U.S.C. §§ 2-4, compelling the plaintiff, Long Hongmei, to arbitrate her claims against Defendants and/or dismissing or staying this action on the ground that she agreed to arbitrate those claims; and
- (3) if the Court does not dismiss this action for lack of personal jurisdiction or based upon Hongmei's agreement to arbitrate her claims, an Order pursuant to 28 U.S.C. § 1391(b) dismissing this action because venue is improper in this Court (collectively, the "*Motion*").

In support of the Motion, Defendants submit the accompanying Declaration of Nicholas A. Mastroianni II, together with the exhibits thereto, and the accompanying Memorandum of Law.

Dated: Boston, Massachusetts
August 3, 2020

Respectfully submitted,

POLLACK & FLANDERS LLP

/s/ Anthony L. Gray

Anthony L. Gray (BBO No. 564415)
20 Park Plaza, Suite 605
Boston, MA 02116
Phone: 617-259-3000
Fax: 617-259-3050
E-mail: tgray@pollackandflanders.com

OTTERBOURG P.C.

/s/ Richard G. Haddad

Richard G. Haddad (to be admitted pro hac vice)
Andrew S. Halpern (to be admitted pro hac vice)
230 Park Avenue
New York, New York 10169
Phone: 212-661-9100
E-mail: rhaddad@otterbourg.com

Counsel for Defendants Nicholas A. Mastroianni II and U.S. Immigration Fund, LLC

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

Pursuant to L.R. 7.1(a)(2), counsel for the above-captioned defendants has conferred with the plaintiff, who appears pro se in this action, and has attempted in good faith to resolve or narrow the issues raised in this motion.

By: /s/ Anthony L. Gray
Anthony L. Gray

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF and paper copies will be sent to those indicated as non registered participants on August 3, 2020.

/s/ Anthony L. Gray
Anthony L. Gray (BBO No. 564415)
POLLACK & FLANDERS LLP